

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

**F042525      People v. Jones**

Cause called and argued by William D. Farber, Esq., counsel for appellant and by Paul Bernardino, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, September 13, 2004 at 1:45 P.M.

The court reconvened in its courtroom at 1:45 P.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosie Heredia, Assistant Deputy Clerk.

**F043642      Taylor v. Lember, M.D. et al.**

Cause called and argued by Mary Taylor, appellant in propria persona and by Bronwyn Brady, Esq., counsel for respondents.

Cause ordered submitted.

**F044416      AC Farms Sherwood et al. v. California Public Utilities Commission et al.**

Cause called and argued by Paul G. Kerkorian, Esq., counsel for petitioner and by Peter G. Fairchild, Esq., counsel for respondent and by Michael D. Montoya, Esq., counsel for real party.

Cause ordered submitted.

Court recessed until Tuesday, September 14, 2004 at 10:00 A.M.

**F044261      In re Jose E., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F044261      In re Jose E., a Minor**

The order appealed from is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044364      In re Manuel L., a Minor**

The matter is remanded to the juvenile court to conduct an evidentiary hearing and determine the nature of conflict; whether the nature of the conflict required the recusal of both Barker entities; and whether the failure of the Barker offices to adhere to the contractual ethical requirements had an adverse impact upon the representation rendered to Manuel. If the juvenile court finds there was a conflict that required the recusal of both Barker entities, or that adversely affected counsel's performance, the jurisdictional and dispositional orders are vacated. If the juvenile court does not so find, the orders are affirmed. Cornell, J.

We concur: Levy, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044763      In re David C., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F044763      In re David C., a Minor**

The judgment is vacated and the matter is remanded to the juvenile court for a hearing on David's competence at the time of his adjudication hearing. Prior to the hearing the court shall appoint the director for the regional center for the developmentally disabled to examine David. If after a hearing the court determines that David was competent at the time of his adjudication hearing, the court shall reinstate the judgment. If it determines that David was not competent, the court shall suspend the proceedings until a determination is made that he has regained his competency.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043997      People v. Garcia**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F043997      People v. Garcia**

The judgment is reversed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044514      People v. Torres**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F044514      People v. Torres**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044724      Estate of Wayne Dale Hollingsworth**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F044765      In re S.F. et al., Minors**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F044765      In re S.F. et al., Minors**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043996      Fleming v. Renshaw**  
The judgment is affirmed. Costs are awarded to respondent Buckley, J.  
We concur: Harris, Acting P.J.; Dawson, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044555      Vasquez v. Asbury et al.**  
The judgment is affirmed. Buckley, J. Costs are awarded to respondents.  
We concur: Vartabedian, Acting P.J.; Wiseman, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043157      People v. Vasquez**  
The above-entitled case is submitted for decision.

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- F043157      People v. Vasquez**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045512      Dept. of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board of California; BP West Coast Products, LLC**  
The Board's decision is reversed. The Department's decision suspending RPI's license for 20 days is affirmed. The Department is entitled to recover its costs in this writ proceeding.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042759      People v. Madera**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F044489      In re A. R. et al.**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F043677      In re Winston R., a Minor**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F042675      Larsson Family Trust et al. v. Grabach et al.**  
Appellant's petition for rehearing filed herein is denied.
- F043195      People v. Russell**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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<b>F040953</b>	<b>Gantong-Ruiz v. California Department of Corrections</b>
<b>F042643</b>	<b>Gantong-Ruiz v. California Department of Corrections</b> Respondent's petition for rehearing filed herein is denied.
<b>F043135</b>	<b>People v. Rutledge, Jr.</b> The above-entitled case is submitted for decision.
<b>F045563</b>	<b>Englert v. Sierra Foothills Public Utility District</b>
<b>F046045</b>	<b>Englert v. Sierra Foothills Public Utility District</b> Appellant's motion to consolidate the above-entitled cases is granted.